

NORTHERN DISTRICT OF ILLINOIS

JUN 19 2015 EF

UNITED STATES OF AMERICA / Case NO: 14, CV 9084 GINO J. AGNELLO
CLERK

VS.

MEMORANDUM AND RESPONSE *mc*DARRICK BOROCZ

FILED

TO GOVERNMENTS. RESPONSE.

Plaintiff

EAA
6-19-15
JUN 19 2015

I hear-by; Darrick Borocz (Plaintiff) threw said-
 Response comes to the said courts and respectfully
 state the following:

THOMAS G. ERSTON
CLERK, U.S. DISTRICT COURT

6-23-15
 THOMAS G. ERSTON
 CLERK, U.S. DISTRICT COURT

1. The Plaintiffs uneducated in Law, and is not able to properly address the issues that the Government is attempting to Deny the Plaintiff and no matter what the Government is alledging the Plaintiff under his sixth Amendment rights is intitled to effective assistance of Council. who should have argued these said arguements the Plaintiff has not ONLY attempted, but is now bring it to the Courts attention. and should be intilted to an evidentiary hearing so the Courts may be able to hear the defendants, and the attorney statements, and arguements in a per-feshionals point of views,
2. The GOVERNMENTS is stating the Plaintiffs basically not intitled to a franks hearing, evaluations under 18 USC. 4244., Levels of enhancements, search and - seizures, and other Claims stated within said- 2255. Application. and in reality Plaintiffs, attorneys should have argued this issues. and sence the Plaintiff's not eddicated in Law - or was granted the Privileges to be able to press said "Issues."

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS.

The Plaintiffs forced to argue the inclosed said issue - VIA in said 2255 APPLICATION.

The Courts have long held that evidentry - hearings are granted to thous who fall - under Questionable Issues, as inclosed, and the Question hear is what could it hurt to have an-attorney speak for the Plaintiff within such a hearing, into the best of interest of justice.

APPLICABLE LAW.

under the sixth Amendment the Plaintiff is intitled to effective assistance of counsils, the right - to Due Process of Law, Afranks hearing the right to speak in there own behalfs, these issues dont lack merits for there under Constitutional provisions, that should of been protected by counsils, and should have attempted to be addressed threw Plaintiffs court proceedings. (VIA court hearings) Counsils should have argued, and supressed evidences used against the said Plaintiff - this in fact violated Due process of rights, and falls under Plain error.

CONCLUSION

the Plaintiffs intitled to Due process of Law, and request sworn affidavits from his attorneys (via court order) in order that the courts my hear from counsils to why these issues were never addressed into the best of interests of justice.

Respectfully,

DATE: MAY. 2, 2015

Sign: Darriek Borocz
Plaintiff: DARRIEK BOROCZK

POINTS AND AUTHORITIES

1. Due Process also prohibits the Gov. from irrationally denying some non-fundamental rights See *Hayden ex. rel., - A. H. V. Greensburg Cmty. Sch. Corp.*, NO 13-1757, 2014, US, - App Lexis, 3426.
2. *Franks v. Delaware*, 438 US 154 98S, Ct, 2674, 57 L. Ed, 2d - 667 (1978) defendant moved to suppress evidence, obtained pursuant to a search warrant, fourteenth amendment procedural due process guaranteed. *Jennett v. Anders*, 521 F. 3d 818, 819 (7th Cir, 2008)
3. Sixth Amendment, 547 U.S. 1106 (2006)
in any criminal case the accused is entitled to a trial - by jury - and the right to effective assistance of counsel.
4. Due Process, also prohibits the Gov. from sentences that fall higher than normal guidelines or that are unreasonable, - or affectively insuring the defendants not suffering from mental diseases, or defects, under 18 USC 4244.
5. Appeals Courts under plain errors fall under when the gov. failure to comply to federal rules of court, and the plaintiffs entitled to said Due Process Clauses - under constitutional - provisions -
6. Defendants Amended motions not untimely? because the gov. has on may 2, just sent the Response on 3/30/15 Document #13, and the said 2255 Application was filed in a timely matter. Sent threw said U.S. - mail via institutional mail made in good faith, into the best of interests
7. Petitioner amends the same briefing arguments with the said courts regarding NO: 09 CR 647.
8. Standards of review is abused of discretion. *GALLV.*
United States 552 U.S. 38, 51 (2007)